THE HONOURABLE SRI JUSTICE S. ANANDA REDDY

W.P. NO. 18432 of 2007

DATED: 11-09-2007

Between:-

Smt. Uppalauri Eswaramma.

…PETITIONER

And

The Vice-Chairman, Visakhapatnam Urban Development Authority, Visakhapatnam, Visakhapatnam District and another.

..RESPONDENS

THE HONOURABLE SRI JUSTICE S. ANANDA REDDY

W.P. NO. 18432 of 2007

O R D E R

This writ petition is filed by the petitioner, who is the widow of an Ex-serviceman, who was assigned an extent of Ac.5.00 of dry land in Survey No. 1/P of Yendada village, Visakhapatnam (Rural) Mandal, Visakhapatnam District.

According to the petitioner, her husband being an Ex-serviceman, was assigned the above extent of the land in that capacity as an Ex-serviceman. The said assignment was made by the then Tahsildar on 22-05-1982 vide proceedings in Rc.No. 389/82, a xerox copy of which is filed herewith. It is stated that she has been in possession and enjoyment of the same since the date of the assignment. However, the respondents are trying to obstruct the same on the ground that the land is required for public purpose which was given to the HUDA for developmental purpose. Since the petitioner was not served with any notice of dispossession or any proceedings even for either cancellation of assignment or for resumption under the terms of the assignment. Therefore, the petitioner has come up with this writ petition seeking a direction to the respondents not to dispossess her.

On notice, the learned Standing Counsel for the 1st respondent reported that she had received instructions that there was no assignment in favour of any individuals in respect of Survey No. 1 of

Yendada village, Visakhapatnam (Rural) for agricultural purpose. Basing on the said written instructions received by the learned Standing Counsel, it is represented before this Court that there was no assignment and the assignment, which is being claimed, is not a genuine assignment.

In view of the above rival contentions, the learned counsel for the petitioner also placed a copy of the order of this Court in W.P. No. 24944 of 2006 dated 08-12-2006, where a similar writ petition was dismissed, but, however, directed the petitioner to make a representation to the Tahsildar who will conduct enquiry with reference to the genuineness of the assignment claimed by the petitioner.

Following the same, the writ petition is disposed of, directing the petitioner to make a representation before the Tahsildar, Visakhapatnam (Rural), with reference to her claim and if such representation is made, the Tahsildar, Visakhapatnam (Rural) is directed to conduct enquiry as to the genuineness or otherwise of the assignment claimed by the petitioner and after ascertaining as to the genuineness, the Tahsildar is directed to take appropriate action. If the assignment is found to be true and genuine, the petitioner is entitled for the relief to which she is entitled under law either for payment of ex-gratia or compensation or for assignment of any alternative land in lieu of the land resumed by the Government. In case if it is found to be not genuine, the Tahsildar is also entitled to take appropriate legal proceedings against the petitioner. The petitioner is directed to make her representation within a period of four weeks from today and on such representation the Tahsildar, Visakhapatnam (Rural), is directed to complete the enquiry within two months thereafter. No costs.

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S. ANANDA REDDY, J

Dated: 11-09-2007
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